

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-21 in the application. In previous responses, the Applicant has amended Claims 1, 8 and 15 and has canceled Claims 2, 9 and 16. No claims have been added. Accordingly, Claims 1, 3-8, 10-15 and 17-21 are currently pending in the application.

I. Rejection of Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,970,408 to Carlsson, *et al.*, in view of U.S. Patent No. 5,974,460 to Maddalozzo. The Applicant respectfully disagrees.

Carlsson relates to wireless multi-user communication systems, such as a cellular communication system, having mobile transceiver units and a network infrastructure. More particularly, Carlsson relates to facilitating communication between a group of mobile transceiver units positioned to move together, such as on a train or bus, and the network infrastructure. (*See* column 1, lines 7-14 and Figure 1.) Carlsson discloses a receiver 44 and communication circuitry 42 that is positioned to travel with the group of mobile transceiver units. (*See* column 8, lines 23-25 and Figure 1.) The communication circuitry 42 includes a determiner 46 having a signal comparator 50 and a channel selector/controller 62. (*See* column 8, lines 23-25 and Figure 2.) The signal quality comparator 58 compares signal qualities of control signals transmitted by base stations of a fixed network infrastructure. (*See* column 8, lines 28-30.) The channel selector/controller 62 selects the channels upon which the receiver 44 is tuned. By appropriate selection of the channels to which the receiver 44 is tuned, the signals applied to the signal quality comparator 58 permit the signal quality comparator 58 to compare signals generated by selected base stations on selected control channels. (*See* column 8, lines 34-42.)

The Examiner asserts the signal quality comparator 58 determines whether a site is a mobile site or a fixed site and the selector/controller 62 manages communication with a site based on determining if the site is a mobile site. (*See Examiner's Action*, pages 2-3.) As stated above, however, the signal quality comparator 58 compares signals from different base stations. Carlsson provides no teaching or suggestion that the signal quality comparator 58 determines whether the base stations are fixed sites or mobile sites. On the contrary, Carlsson has no concern if a site is a mobile site or a fixed site but instead is directed to providing circuitry to travel with a group of mobile transceiver units to generate common control requests to control operations of the entire group. (*See Abstract*.)

Additionally, the selector/controller 62 determines to which channel the receiver 44 is tuned based on the results from the signal quality comparator 58. (*See column 8*, lines 43-45.) Thus, the selector/controller 62 selects a base station based on signal quality information but does not manage communications based on if a site is a mobile site or a fixed site. Accordingly, Carlsson does not teach or suggest determining whether a site is a mobile site or a fixed site of a computer network nor managing communications with the site based on if the site is a mobile site or a fixed site as recited in independent Claims 1, 8 and 15. Carlsson, therefore, does not teach each element for which it has been cited.

The Examiner recognizes that Carlsson also does not teach or suggest a mirror site and cites Maddalozzo to teach a mirror site. (*See Examiner's Action*, page 3.) The Applicant agrees that Maddalozzo discloses a mirror site but does not find where Maddalozzo teaches or suggests directing communication to a mirror site of a mobile site based on when the mobile site is out of wireless communication with a computer network. Instead, Maddalozzo is directed to selecting

the most efficient mirror site from a plurality of mirror sites. (See column 1, lines 6-9 and the Abstract.)

Carlsson provides no teaching or suggestion to direct communication to a mirror site when a mobile site is not in wireless communication with a computer network since Carlsson does not even teach a mirror site containing a time-delay copy of data. Thus, the cited combination of Carlsson and Maddalozzo provides no teaching or suggestion of directing a communication, when a site is a mobile site, either to the mobile site when the mobile site is in wireless communication with a computer network or to a mirror site of the mobile site when the mobile site is out of wireless communication with the computer network as recited in independent Claims 1, 8 and 15.

Therefore, for at least the reasons argued above, the cited combination of Carlsson and Maddolozzo fails to teach or suggest each and every element of independent Claims 1, 8 and 15. Thus, Carlsson and Maddolozzo do not provide a *prima facie* case of obviousness of independent Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1, 3-8, 10-15 and 17-21 and allow issuance thereof.


II. Conclusion

In view of the foregoing remarks, the Applicant sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15 and 17-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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